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PTO/SB/21 (6/98)  
Approved for use through 09/30/2000. OMB 0651-0031  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	<b>Application Number</b>	09/719,867	
	<b>Filing Date</b>	12/28/2000	
	<b>First Named Inventor</b>	Steven Alan Dunham	
	<b>Group Art Unit</b>	1634	
	<b>Examiner Name</b>	Janell E. Taylor	
<b>Total Number of Pages in This Submission</b>		<b>Attorney Docket Number</b>	5934-01-CMB

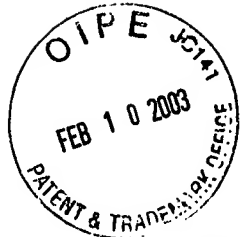
ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment / Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Return Postcard Certificate of Express Mail
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Small Entity Statement	
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<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Cynthia M. Bott
Signature	<i>Cynthia M Bott</i>
Date	2-10-03

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: February 10, 2003	
Typed or printed name	Beth N. Gaines
Signature	
Date	February 10, 2003

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Express Mail No.: EF220716965US  
Docket No.: 5934-01-CMB



PTO/SB/17 (11-00)  
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# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ ) 1,970.00

## Complete if Known

Application Number	09/719,867
Filing Date	12/28/2000
First Named Inventor	Steven Alan Dunham, et al.
Examiner Name	J. Taylor
Group Art Unit	1634
Attorney Docket No.	5934-01-CMB

## METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number **23-0455**  
Deposit Account Name **Warner-Lambert Company**

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17  
☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit card ☐ Money Order ☐ Other

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101 710	201 355	Utility filing fee	
106 320	206 160	Design filing fee	
107 490	207 245	Plant filing fee	
108 710	208 355	Reissue filing fee	
114 150	214 75	Provisional filing fee	

SUBTOTAL (1) (\$ ) 0.00

### 2. EXTRA CLAIM FEES

Total Claims  - 20\*\* =  0 X  18.00 =  0.00  
Independent Claims  - 3\*\* =  0 X  80.00 =  0.00  
Multiple Dependent  0.00 =  0.00

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
103 18	203 9	Claims in excess of 20
102 80	202 40	Independent claims in excess of 3
104 270	204 135	Multiple dependent claim, if not paid
109 80	209 40	** Reissue independent claims over original patent
110 18	210 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ ) 0.00

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for ex parte reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 390	216 195	Extension for reply within second month	
117 890	217 445	Extension for reply within third month	
118 1,390	218 695	Extension for reply within fourth month	
128 1,890	228 945	Extension for reply within fifth month	1,970.00
119 310	219 155	Notice of Appeal	
120 310	220 155	Filing a brief in support of an appeal	
121 270	221 135	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,240	241 620	Petition to revive - unintentional	
142 1,240	242 620	Utility issue fee (or reissue)	
143 440	243 220	Design issue fee	
144 600	244 300	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Processing fee under 37 CFR 1.17(q)	
126 180	126 180	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 710	246 355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149 710	249 355	For each additional invention to be examined (37 CFR § 1.129(b))	
179 710	279 355	Request for Continued Examination (RCE)	
169 900	169 900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ ) 1,970.00

## SUBMITTED BY

Name (Print/Type) Cynthia M. Bott

Signature

*Cynthia M Bott*

Registration No. (Attorney/Agent)

46,568

## Complete (if applicable)

Telephone (734) 622-4476

Date

02/10/2003

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Express Mail No.: EF220716965US  
Docket No.: 5934-01-CMB

**CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)**

Applicant(s): Steven Alan Dunham, et al.

Docket No.

5934-01-CMB

Serial No.

09/719,867

Filing Date

28-Dec-2000

Examiner

J. Taylor

Group Art

1634

Invention:

METHODS OF IDENTIFYING AND CHARACTERIZING MUTATIONS WITHIN BACTERIAL DNA GYRASE AND FABI

I hereby certify that this Response and Amendment to Office Action dated August 9, 2002

(Identify type of correspondence)

Is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under

37 CFR 1.10 in an envelope addressed to: The Assistant Commissioner for Patents, Washington, D.C. 20231

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Docket No.: 5934-01-CMB



5934-01-CMB

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

APPLICANTS : Steven Alan Dunham, et al.

EXAMINER : J. Taylor

SERIAL NO : 09/719,867

ART UNIT : 1634

FILED : DECEMBER 28, 2000

PAPER NO : 11

FOR : METHODS OF IDENTIFYING AND CHARACTERIZING  
MUTATIONS WITHIN BACTERIAL DNA GYRASE AND FABI

**RESPONSE AND AMENDMENT**

February 10, 2003

Commissioner for Patents

Washington, D.C. 20231

Sir:

In reply to the Office action mailed August 9, 2002, Applicants respectfully request reconsideration of the outstanding rejections and reexamination of the present application in light of the following remarks and amendments.

**IN THE CLAIMS**

1. (Currently amended) A process for identifying mutations that confer resistance to a compound comprising:
  - a) generating a defined set of overlapping PCR products, of approximately 10 kb to approximately 15 kb, containing random point mutations which encompass the complete chromosome of a wild-type strain of bacteria for which the chromosomal sequence is known;
  - b) transforming pools of the PCR products from step(a) corresponding to about 100 kb of the chromosome into the wild-type strain and isolating the resulting strains that are resistant to a compound;

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